

Remarks

Claims 1, 4-20, 23-26, and 33-65 were pending in the subject application. Claims 51-63 are withdrawn from consideration as drawn to a non-elected invention. By this Amendment, claims 1, 13, 16, 17, 48, 49, and 64 have been amended and claims 7, 9, 11, 15, 47, and 51-63 have been cancelled. Support for the new claims and amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 4-6, 8, 10, 12-14, 16-20, 23-26, 33-46, 48-50, 64, and 65 are currently before the Examiner for consideration. Favorable consideration of the pending claims is respectfully requested.

Claims 1-20, 23-26, 33-50, 64, 65 and the specification are objected to because of informalities. By this Amendment, Applicants have amended the specification to address the objections. Applicants further note that there is a “Brief Description of the Drawings” heading in the specification and that the pages of the specification were numbered upon filing of the application and that the font is of acceptable size. Applicants also assert that the capitalization of words in the claims is permissible; however, upon indication of allowable subject matter, Applicants will amend the claims to remove the capitalization. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

Claims 1, 11-20, 23-26, 33-43, and 64 are rejected under 35 USC §112, second paragraph, as indefinite. Applicants respectfully assert that the claims are not indefinite. However, by this Amendment, Applicants have amended the preamble of claim 1 to refer to detecting particles, wherein the method includes a step of analyzing the exposed blood sample for the presence of the particles. The claim has also been amended to define what the “particles” can be as specified in claim 7. In regard to the term “coincident relation”, Applicants respectfully assert that the term is not indefinite. The words are given their usual and customary meaning, e.g., occupying the same or nearly the same position. However, by this Amendment, the term has been canceled from the claims, thereby rendering this aspect of the rejection moot. In regard to claim 11, Applicants respectfully assert that it is not indefinite and does find antecedent basis to claim 1. However, by this Amendment, Applicants have canceled claim 11, thereby rendering this aspect of the rejection moot.

Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 1, 4-6, 8-20, 23-50, 64, and 65 are rejected under 35 USC §112, first paragraph as lacking adequate written description on the grounds that the use of “particles” in the claimed method is overly broad. Applicants respectfully assert that there is adequate written description for the term “particles”. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of claim 7 which specify the “particles” with more precision. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

Claims 11-20, 23-26, 33-43, and 64 are rejected under 35 USC §112, first paragraph as lacking adequate written description. The Examiner asserts that there is no support in the specification for the phrase “separate and dried state” in claim 11. Applicants respectfully assert that there is written description for the phrase and, thus, the phrase does not constitute new matter. However, as noted in regard to the rejection under 35 USC §112, second paragraph, Applicants have canceled claim 11, thereby rendering the rejection moot. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, first paragraph, is respectfully requested.

Claims 1, 7, 9-12, 16, 18, 19, 31, 33, 44-46, 50, 64, and 65 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Dupe *et al.* (1981). Claims 1, 7, 9-12, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Smith *et al.* (1982). Claims 1, 7, 9, 10, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Cassels *et al.* (1982). Claims 1, 7, 9-16, 18, 19, and 44-46 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Dupe *et al.* (1981) and further in view of Kreilgaard *et al.* (1998). Claims 1, 2, 7-11, 16, 18, 19, 23-26, 33, 34, 44-46, 49, and 50 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Zhang *et al.* (1995), Dupe *et al.* (1981), Zierdt *et al.* (1977), and Hallick *et al.* (1977). Claims 1, 7-11, 16, 18, 19, 23-26, 33, 34, 39, 44-46, 49, 50, 64, and 65 are rejected under 35 USC §103(a) as obvious over Watson *et al.* (1978) in view of Zhang *et al.* (1995), Dupe *et al.* (1981), Hallick *et al.* (1977), and Zierdt *et al.* (1982). The Examiner asserts that the primary reference, Watson *et al.* (1978), teaches a method of trapping bacteria from a blood sample in a clot, digesting the clot by adding streptokinase, and culturing bacteria for identification. The Examiner also asserts that the Watson *et al.* (1978) method

uses a medium containing sodium tauerochlorate (a bile surfactant). Applicants respectfully traverse this rejection.

Applicants respectfully assert that the cited references, taken alone or in combination, do not teach or suggest Applicants' claimed invention. However, by this Amendment, Applicants have amended claim 1 to incorporate the elements of claim 47. Dependent claim 47 is not included under any of the rejections under 35 USC §103; therefore, Applicants respectfully assert that the §103 rejections are rendered moot by Applicants' amendment. Accordingly, reconsideration and withdrawal of the rejections under 35 USC §103 is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachment: Petition and Fee for Extension of Time